

STATE BOARD OF PARDONS AND PAROLES

Sioux Falls, South Dakota
October 19, 20, 21, and 22, 2020

Parole Board meetings were held on October 19, 20, 21, and 22, 2020 at various locations in the State of South Dakota. A Full Board meeting was held on October 22, 2020 at the South Dakota Board of Pardons and Paroles Office commencing at 8:02 AM with the following present:

Myron Rau, Board Chair (via Zoom)
Ken Albers, Vice Chair (via Zoom)
Kirstin Aasen, Member (via Zoom)
Gregg Gass, Member (via Zoom)
Peter Lieberman, Member (via Zoom)
Ed Ligtenberg, Member (via Zoom)
Chuck Schroyer, Member (via Zoom)
Gordy Swanson, Member (via Zoom)
Brad Lewandowski, Director SD Board of Pardons and Paroles (via Zoom)
Karena Cassidy, Senior Secretary (via Zoom)
Stacy Cole, Corrections Analyst (via Zoom)
Traci Fredrikson, Operations Supervisor (via Zoom)
April Maeschen, Program Assistant I (via Zoom)
Val McGovern, Corrections Specialist (via Zoom)
Jessica Beeck, Corrections Analyst Intern (via Zoom)
Lexi Hanson, Corrections Analyst Intern (via Zoom)

Quorum Present? Yes

REPRESENTATIONS: Catherine Schlimgen, Staff Attorney representative, was available via Zoom for questions.

SPECIAL GUESTS: All via Zoom Ian Miller, Case Manager, Liz Effling, Corrections Specialist, , Tom Gilchrist SOMP, Tim Schneider, Case Manager, Kim Lippincott, Senior Unit Case Manager, Ryanne Davis, Parole Agent, Eric Rempfer, Parole Agent. Dusti Werner Risk Reduction Manager, Britany Shelburg, DSP Case Manager, Kayla Stucky, Director of Field Services, Tom Lais, Senior Case Manager, Terry Cummings, Senior Secretary (Pierre), Angela Famestad, Parole Agent.

MINUTES: Board Member Ligtenberg made a motion to approve the minutes from the September 2020 meeting of the Board. Board Member Schroyer seconded the motion. All members voting aye; the motion carried.

HEARING PANELS: Board Members Schroyer and Lieberman held parole hearings via Zoom for the South Dakota Women's Prison the morning of Monday, September 14, 2020. Board Chair Rau and Vice Chair Albers held parole hearings via Zoom for the Yankton Community Work Center and reviewed and signed waivers, early/partial/final discharges at the South Dakota Board of Pardons and Paroles building. Board Member Kirsten Aasen did not attend parole hearings at the Jameson Annex on Wednesday, September 16, 2020.

AGENDA ITEMS:

APPEARED/REVIEWED BEFORE THE FULL BOARD (NINE MEMBERS) IN SIOUX FALLS
THURSDAY OCTOBER 22, 2020:

The following offender appeared before the full board for a Parole hearing. Vice Chair Albers made a motion to Grant parole. Board Member Swanson seconded the motion. Board Members Lieberman, Ligtenberg, Rau voting nay, all other Board Members voting aye the motion carried.

Michael Horst

The following offender appeared before the full board for a Parole hearing. Board Member Ligtenberg made a motion to grant parole. Board Member Swanson seconded the motion. All members voting aye, the motion carried.

Brenden Hahn

The following offender appeared before the full board for a Parole hearing. Board Member Swanson made a motion to grant parole. Board Member Aasen seconded the motion. Board Members Gass, voting nay, all other members voting aye, the motion carried.

Thomas Randall

Director's Report: Director Lewandowski was available and updated the board on the following The Board's structured decision-making framework (SDMF) coding data was sent to Carlton University/Dr. Serin for validation. Board members received Microsoft Surface Pro tablets and will begin using them during September pardon hearings; hearing folders are being created in Share Point. The office received 11 pardon applications in September and hearings are being scheduled two months out. Half of September hearings were conducted by Zoom and half in person with guests still participating by Zoom. Staff have begun discussions on proposed legislative changes for next year, including clarifying statutes related to recalculating sentences upon the imposition of suspended time, clemency relief for juvenile adjudications, and majority voting requirements for the parole board.

Director of Field Services Report: Kayla Stuckey was available and provided an update to the board. Safety and Training: Due to the COVID-19 pandemic, all field offices remain closed to the public. Agents are meeting with offenders outside of the office, keeping in mind COVID precautions. Meetings are taking place in office parking lots and outside of residences and places of employment. Agents are also utilizing creative ways to complete other contacts such as picture messages, Facetime, etc and are limiting detainments to assist in limiting exposure to jails and DOC institutions. Agents are working with offenders currently on detainment or in CTP to find community placements/ residences as quickly as possible. NE Region CR2 training was completed 9/2-9/3 in Pierre. NE Region SIMS training was completed on 9/2 in Watertown. SE Region completed SIMS Training 9/14/20-9/16/20. Southeast Region Staff Update: Proficient agents (not including agents in training or supervisor) have an average caseload

of 71.86. Mitchell JCA Grosdidier is assisting with the supervision of 22 indirect/minimum/medium cases for the Sioux Falls office. Agent Day returned from military leave and is scheduled to do firearms training on 9/4/20, DT training on 09/23-09/25, SIMS on 09/16, and CR2 on 9/14-9/15. He will also complete annual policy review in September. The Southeast Region supervised 19 extended confinement cases this month. The three open FTE positions for Parole Agent Case Managers in the Sioux Falls Office have been filled. Angie Famestad will start on 9/9/20, Ryanne Davis on 09/16/20, and Eric Rempfer started on 9/24/20. Agent Halvorson accepted a position as a Deputy Sheriff in Lincoln County. Her last day with the Parole Division will be 09/11/2020. Current Parole Agent Case Manager Andrea Fromelt expressed interest into transitioning to an armed agent position and was allowed to transfer into Agent Halvorson's position. Northeast Region Staff Update: Proficient agents (agents out of training, not including supervisor) have an average caseload of 73.63. The SWO agent position remains open. It has been posted until the position is filled. Agent Beyl continues coverage of 97 SWO cases. Agent Seim has assumed additional cases that were previously supervised by Agent Beyl. The interview process remains ongoing for the agent position in the Mitchell Field Office. New Brookings Agent Tiffani Lebert started her agent duties on 7/27/20. Agent Lebert and Aberdeen Agent Tacke are participating with critical safety training - firearms were completed July 28-31, defensive tactics on August 3 and 6-7, and reality-based training on August 24-26. EPICS training was completed August 4-5. Agent Kollars supervises 9 cases under the Flandreau Santee Sioux Tribal Program. Juvenile Corrections Agent Thury assists with supervision of 18 cases in the Watertown Office. West Region Staff Update: Proficient agents (agents out of training, not including supervisor) have an average caseload 73.3. The West Region supervised 20 extended confinement cases this month. A conditional offer was made for the open parole agent case manager position and a polygraph is waiting to be scheduled. Juvenile Corrections Agent Leighty is assisting the Spearfish office in the supervision of 58 offenders.

Legal Issues: Catherine Schlimgen was available via Zoom and provided the following updates for the board:

Haider Abdulrazzak: Petition for Writ of Certiorari denied by United States Supreme Court

Issue: Parole Revocation/Whether the federal Prison Mailbox Rule should apply to the States

Travis McPeck: Filed Notice of Appeal with South Dakota Supreme Court

Issue: Parole Date Review

Board Training and COMS Updates: Traci Fredrikson was available. No updates available.

2021 Schedule:

Board Member Ligtenberg made a motion to approve the 2021 Parole Board Schedule. Board Member Swanson seconded the motion. All member voting aye, the motion carried.

Policy Review:

Policy 8,1. A.14 EBP Training. Board member Schroyer made a recommendation to adopt the motion. Board Member Gass seconded the motion. All members voting aye the motion carried.

Policy 8.1.A.15 Suspended Sentence Status. Board member Ligtenberg made a recommendation to adopt the motion. Board Member Swanson seconded the motion. All members voting aye the motion carried.

RECUSALLS:

None

Decisions: Board Member Swanson made a motion to ratify and affirm all decisions: Vice Chair Albers seconded the motion. All members voting aye; the motion carried.

ATTACHMENTS – DECISIONS: Please refer to the attached listing entitled Board Decisions for all parole violations, suspended sentence violations, non-compliance, discretionary parole, earned discharge, and rescission decisions made by the Board this month.

Adjournment: Board Member Swanson made motion to adjourn the October 22, 2020 meeting of the Board. Vice Chair Albers seconded the motion. All members voting aye; the motion carried. The meeting adjourned at 11:43AM Thursday, October 22, 2020. The next board meeting is scheduled for November 19, 2020 at 8:00 a.m.

SD BOARD OF PARDONS AND PAROLES

Myron Rau, Board Chair or Ken Albers, Vice Chair

Brad Lewandowski, Director

Submitted by:
Karena Cassidy
Senior Secretary